
SENATE BILL No. 481

DIGEST OF INTRODUCED BILL

Citations Affected: IC 7.1-3-20-16.

Synopsis: Alcoholic beverage permits. Authorizes the issuance of ten new alcoholic permits within a district in a city with a population of at least 46,500 and not more than 50,000 with a toll road located within the district, and with significant acres of undeveloped land available in the area that may be used for regional economic development activity.

Effective: Upon passage.

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January 18, 2007, read first time and referred to Committee on Commerce, Public Policy & Interstate Cooperation.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

SENATE BILL No. 481

A BILL FOR AN ACT to amend the Indiana Code concerning alcohol and tobacco.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 7.1-3-20-16, AS AMENDED BY P.L.165-2006,
2 SECTION 27, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 UPON PASSAGE]: Sec. 16. (a) A permit that is authorized by this
4 section may be issued without regard to the quota provisions of
5 IC 7.1-3-22.

6 (b) The commission may issue a three-way permit to sell alcoholic
7 beverages for on-premises consumption only to an applicant who is the
8 proprietor, as owner or lessee, or both, of a restaurant facility in the
9 passenger terminal complex of a publicly owned airport which is
10 served by a scheduled commercial passenger airline certified to
11 enplane and deplane passengers on a scheduled basis by a federal
12 aviation agency. A permit issued under this subsection shall not be
13 transferred to a location off the airport premises.

14 (c) The commission may issue a three-way, two-way, or one-way
15 permit to sell alcoholic beverages for on-premises consumption only to
16 an applicant who is the proprietor, as owner or lessee, or both, of a
17 restaurant within a redevelopment project consisting of a building or



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group of buildings that:

- (1) was formerly used as part of a union railway station;
- (2) has been listed in or is within a district that has been listed in the federal National Register of Historic Places maintained pursuant to the National Historic Preservation Act of 1966, as amended; and
- (3) has been redeveloped or renovated, with the redevelopment or renovation being funded in part with grants from the federal, state, or local government.

A permit issued under this subsection shall not be transferred to a location outside of the redevelopment project.

(d) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant:

- (1) on land; or
- (2) in a historic river vessel;

within a municipal riverfront development project funded in part with state and city money. A permit issued under this subsection may not be transferred.

(e) The commission may issue a three-way, two-way, or one-way permit to sell alcoholic beverages for on-premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant within a renovation project consisting of a building that:

- (1) was formerly used as part of a passenger and freight railway station; and
- (2) was built before 1900.

The permit authorized by this subsection may be issued without regard to the proximity provisions of IC 7.1-3-21-11.

(f) The commission may issue a three-way permit for the sale of alcoholic beverages for on-premises consumption at a cultural center for the visual and performing arts to a town that:

- (1) is located in a county having a population of more than four hundred thousand (400,000) but less than seven hundred thousand (700,000); and
- (2) has a population of more than twenty thousand (20,000) but less than twenty-three thousand (23,000).

(g) After June 30, 2005, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than five hundred (500) feet from

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a district, that meets the following requirements:

- (1) The district has been listed in the National Register of Historic Places maintained under the National Historic Preservation Act of 1966, as amended.
- (2) A county courthouse is located within the district.
- (3) A historic opera house listed on the National Register of Historic Places is located within the district.
- (4) A historic jail and sheriff's house listed on the National Register of Historic Places is located within the district.

The legislative body of the municipality in which the district is located shall recommend to the commission sites that are eligible to be permit premises. The commission shall consider, but is not required to follow, the municipal legislative body's recommendation in issuing a permit under this subsection. An applicant is not eligible for a permit if, less than two (2) years before the date of the application, the applicant sold a retailer's permit that was subject to IC 7.1-3-22 and that was for premises located within the district described in this section or within five hundred (500) feet of the district. A permit issued under this subsection shall not be transferred. The cost of an initial permit issued under this subsection is six thousand dollars (\$6,000).

(h) The commission may issue a three-way permit for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in:

- (1) a town with a population of more than twenty thousand (20,000); or
- (2) a city with a population of more than twenty-seven thousand (27,000) but less than twenty-seven thousand four hundred (27,400);

located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). The commission may issue not more than five (5) licenses under this section to premises within a municipality described in subdivision (1) and not more than five (5) licenses to premises within a municipality described in subdivision (2). The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). Before the district expires, a permit issued under this subsection may not be transferred. After the district

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1 expires, a permit issued under this subsection may be renewed, and the
 2 ownership of the permit may be transferred, but the permit may not be
 3 transferred from the permit premises.

4 (i) After June 30, 2006, the commission may issue not more than
 5 five (5) new three-way, two-way, or one-way permits to sell alcoholic
 6 beverages for on-premises consumption to applicants, each of whom
 7 must be the proprietor, as owner or lessee, or both, of a restaurant
 8 located within a district, or not more than five hundred (500) feet from
 9 a district, that meets all of the following requirements:

10 (1) The district is within an economic development area, an area
 11 needing redevelopment, or a redevelopment district as established
 12 under IC 36-7-14.

13 (2) A unit of the National Park Service is partially located within
 14 the district.

15 (3) An international deep water seaport is located within the
 16 district.

17 An applicant is not eligible for a permit under this subsection if, less
 18 than two (2) years before the date of the application, the applicant sold
 19 a retailers' permit that was subject to IC 7.1-3-22 and that was for
 20 premises located within the district described in this subsection or
 21 within five hundred (500) feet of the district. A permit issued under this
 22 subsection may not be transferred. If the commission issues five (5)
 23 new permits under this subsection, and a permit issued under this
 24 subsection is later revoked or is not renewed, the commission may
 25 issue another new permit, as long as the total number of active permits
 26 issued under this subsection does not exceed five (5) at any time. The
 27 commission shall conduct an auction of the permits under
 28 IC 7.1-3-22-9, except that the auction may be conducted at any time as
 29 determined by the commission.

30 (j) After May 1, 2007, the commission may issue not more than
 31 ten (10) new three-way, two-way, or one-way permits to sell
 32 alcoholic beverages for on-premises and off-premises consumption
 33 to applicants, each of whom must be the proprietor, as owner or
 34 lessee, or both, of a restaurant located within a district, or not
 35 more than one thousand five hundred (1,500) feet of a district, that
 36 meets the following requirements:

37 (1) The district is located in a city with a population of more
 38 than forty-six thousand five hundred (46,500) but less than
 39 fifty thousand (50,000).

40 (2) A toll road is located in the district.

41 (3) The one thousand five hundred (1,500) feet of property
 42 surrounding the toll road includes significant acres of

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1 undeveloped land available in the area that may be used for
2 regional economic development activity.

3 A permit issued under this subsection may not be transferred. If
4 the commission issues ten (10) new permits under this subsection
5 and a permit issued under this subsection is later revoked or is not
6 renewed, the commission may issue another new permit, as long as
7 the total number of active permits issued under this subsection
8 does not exceed ten (10) at any time.

9 SECTION 2. An emergency is declared for this act.

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